

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 3395 - HB 3780

March 9, 2012

**SUMMARY OF BILL:** Increases the penalty, from a Class A misdemeanor to a Class D felony, for intentionally, knowingly, or recklessly selling, loaning, or giving a firearm or switchblade knife to a minor.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$86,100/Incarceration\***

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of one state court conviction for Class A misdemeanors for unlawful sale, loan, or gift of a firearm in each of the past four years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 10 per year. There are three separate offenses under Tenn. Code Ann. § 39-17-1303 but the section cannot be broken down by offense. Therefore, the estimate assumes that one-third or three of the total (10 x .33) will be elevated to a Class E felony as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on three offenders receiving a Class E felony rather than a Class A misdemeanor.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The total additional operating cost for three offenders is \$86,061.09 (\$28,687.03 x 3 offenders).
- Any increase in caseloads for the state trial or appellate courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc